

Recess.

On motion of Senator Woodruff, the Senate, at 6:25 o'clock p. m., recessed until 10 o'clock tomorrow morning.

EIGHTH DAY (Continued).

Senate Chamber,
Austin, Texas,
January 24, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Motion Withdrawn.

The question recurred upon the pending motion relative to instructing the Committee on Governor's Nominations to report the names of certain nominees back to the Senate without recommendations.

Senator Woodruff, the maker of the motion, withdrew the motion.

Motion to Refuse Governor's Request to Withdraw Nominations.

Senator Woodruff sent up the following written motion:

"I move that the Senate do not grant the request of the Governor to return to the Governor the names of C. H. Chernosky, Tom Garrard and Ben F. Tisinger heretofore nominated by the Governor and submitted to the Senate for confirmation as appointees to the State Board of Education."

WOODRUFF.

The motion was read.

House Bill Referred.

H. B. No. 18, read and referred to Committee on State Highways and Motor Traffic.

Message From the Governor.

Executive Department,
Austin, Texas, Jan. 24, 1933.
To the Texas State Senate:

I ask the advice and consent of the Senate in the appointment of Hon. Nat W. Brooks of Tyler, Texas, for the position of judge of the Special District Court for Smith and Upshur counties.

Respectfully submitted,
MIRIAM A FERGUSON,
Governor.

Read and referred to Committee on Governor's Nominations.

Executive Session Set.

On motion of Senator Pace, the Senate voted to go into executive session tomorrow morning at 11 o'clock for the purpose of considering Governor's nominations.

Point of Order.

Senator Holbrook sent up a committee report on S. B. No. 71.

Senator Rawlings raised the point of order that under the Rules this committee report was out of order at this period of the session.

Senator Holbrook withdrew the report.

Recess.

Senator Holbrook moved to recess until 2 o'clock p. m.

Senator Russek moved to recess until 2:30 o'clock p. m. The motion was lost.

The motion to recess until 2 o'clock p. m., prevailed and at 12:06 o'clock p. m., the Senate recessed.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Advance Printing Ordered.

By request of Senators Greer, Poage, and Hornsby, advance printing of S. B. No. 106 was ordered.

Committee Changes.

The Chair announced the following changes in standing committees:

Added to Committee on Labor: Senators Small and Poage.

Senator Woodruff appointed as chairman of the Committee on Contingent Expense to succeed Senator Beck, resigned.

Motion to Refuse Governor's Request to Withdraw Nominations.

The question recurred upon the pending motion to refuse to grant the request of the Governor to withdraw certain nominations for membership on the Board of Education.

The motion prevailed by the following vote:

Yeas—16.

Beck.	Neal.
Collie.	Oneal.
Cousins.	Purl.
DeBerry.	Rawlings.
Holbrook.	Regan.
Hornsby.	Small.
Moore.	Woodruff.
Murphy.	Woodul.

Nays—11.

Blackert.	Poage.
Fellbaum.	Redditt.
Greer.	Russek.
Martin.	Sanderford.
Pace.	Stone.
Parr.	

Absent.

Duggan.	Patton.
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(Pair Recorded.)

Senator Hopkins (present) who would vote nay, with Senator Woodward (absent) who would vote yea.

Message From the Governor.

Executive Department,
Austin, Texas, Jan. 24, 1933.
To the Texas State Senate:

At the request of Senator A. Parr, I submit for your consideration the attached bill, being an Act to amend Article 2956 as amended by Chapter 105, Acts of the Regular Session Forty-second Legislature.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Read and referred to Committee on Privileges and Elections, to whom the bill had been referred.

Bills and Resolutions.

By Senator Neal:

S. J. R. No. 5, Proposing amendments to Sections 3 and 4 of Article 3 of the Constitution of the State of Texas, by providing that the terms of office of the members of the Senate be extended from four to six years, and that the terms of office of the members of the House of Representatives be extended from two to four years, providing for the submission of same to the qualified electors of the State of Texas as required by the Constitution, and providing for the necessary proclamation and making an appropriation to defray the expenses for the publica-

tion of the Governor's proclamation and for the election.

Read and referred to Committee on Constitutional Amendments.

By Senator Holbrook:

S. B. No. 95, A bill to be entitled "An Act making appropriations to pay deficiency claims approved by the Governor during the fiscal years ending August 31, 1931, and August 31, 1932, respectively, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 96, A bill to be entitled "An Act making appropriations for the support and maintenance of the State Government for the two-year period beginning September 1, 1933, and ending August 31, 1935, and for other purposes; and prescribing certain regulations and restrictions in respect thereto; and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 97, A bill to be entitled "An Act making appropriations to pay the salaries of judges, and the support and maintenance of the Judicial Department of the State Government for the two-year period beginning September 1, 1933, and ending August 31, 1935, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 98, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: The Agricultural and Mechanical College of Texas; The State Agricultural Experiment Station System; The Extension Service and Rodent Control Service; Texas Department of Forestry; North Texas Junior Agricultural College; John Tarleton Agricultural College; Prairie View State Normal and Industrial College; The University of Texas, including the Extra Murals Divisions and the Medical Branch at Galveston, and the College of Mines and Metallurgy at El Paso; College of Industrial Arts; Texas Technologi-

cal College; East Texas State Teachers College at Commerce; North Texas State Teachers College at Denton; Sam Houston State Teachers College at Huntsville; Stephen F. Austin State Teachers College at Nacogdoches; The Texas College of Arts and Industries at Kingsville; Southwest Texas State Teachers College at San Marcos; Sul Ross State Teachers College at Alpine; West Texas State Teachers College at Canyon; for the two-year period beginning September 1, 1933, and ending August 31, 1935, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 99, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them for the two fiscal years, beginning September 1, 1933, and ending August 31, 1935, as follows, to-wit: Abilene State Hospital; Austin State School; Austin State Hospital; Confederate Home; Confederate Woman's Home; allas State Hospital; Deaf, Dumb, and Blind Institute for Colored Youths; Girls' Training School; Home for Dependent and Neglected Children; State Hospital for Crippled and Deformed Children at Galveston; State Juvenile Training School; State Orphan Home; Rusk State Hospital; San Antonio State Hospital; Galveston State Psychopathic Hospital; Terrell State Hospital; State Tuberculosis Sanatorium; Wichita Falls State Hospital; Colored Orphans' Home at Gilmer; Alabama and Coushatti Indians in Polk county, Texas; Texas School for the Blind; and Texas School for the Deaf; and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 100, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the Judiciary Department of the State Government for the fiscal years ending August 31, 1928, 1929, 1930 and 1931, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 101, A bill to be entitled "An Act making an appropriation to pay blanket warrants issued by the Comptroller in accordance with Article 760, Code of Criminal Procedure, 1925, to Court Reporters for fees for making transcripts in cases in which pauper's oaths are filed, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 102, A bill to be entitled "An Act to amend Article 1847 of the Revised Civil Statutes of Texas, 1925, so as to permit notices given to parties to suits pending in the Courts of Civil Appeals, to be sent by the clerks of said courts, by first class mail not registered, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence:

By Senator Holbrook:

S. B. No. 103, A bill to be entitled "An Act to amend Section 6 of Chapter 93, General Laws of the Regular Session of the Forty-second Legislature, and Section 2, Chapter 175, General Laws of the Regular Session of the Thirty-ninth Legislature so as to provide for the payment of taxes assessed against The University of Texas lands from the Available University of Texas Fund, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 104, A bill to be entitled "An Act making it unlawful to hunt, take or pursue any wild deer in the county of Galveston for a period of five years following the passage of this Act; providing a suitable penalty, repealing all laws or parts of laws in conflict with this Act and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 105, A bill to be entitled "An Act repealing Chapter 81 of the General Laws of the Fifth Called Session of the Forty-first Legislature of Texas, and abolishing the 114th District Court; providing for the transfer of all cases pending on the docket of the 114th District

Court, and providing for the return of process out of the 114th District Court, and validating such process, and declaring an emergency."

Read and referred to Committee on Judicial Districts.

By Senator Greer:

S. B. No. 106, A bill to be entitled "An Act to apportion the State of Texas into congressional districts, naming the counties composing the same and providing for the elections of a member of the Congress of the United States from each district, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Congressional Districts.

By Senator DeBerry:

S. B. No. 107, A bill to be entitled "An Act amending Chapter 91, Acts First Called Session, Fortieth Legislature, as amended by Chapter 77, Acts, First Called Session Forty-first Legislature, as amended by Chapter 164, Acts Regular Session Forty-second Legislature, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Sanderford:

S. B. No. 108, A bill to be entitled "An Act providing for the removal of guardianships from one county in this State to another county therein, when the residence of the ward is changed to such other county, and in cases where the guardian of the ward's estate is in one person or corporation, and his natural guardian, or guardian of his person is another; providing for the procedure for such removal; repealing all laws in conflict; fixing the venue of suits against the guardian and his bondsmen, providing for attorney's fees, and declaring an emergency."

Read and referred to Committee to Committee on Civil Jurisprudence.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Jan. 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 68, A bill to be entitled "An Act repealing Chapter 81, Senate Bill No. 11, as enacted by the

Fifth Called Session of the Forty-first Legislature, as shown on page 246, et seq. of the Session Acts, which created the One Hundred and Fourteenth District Court; and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill Referred.

H. B. No. 68, read and referred to Committee on Judicial Districts.

Motion to Print Report of Committee on Rules.

On motion of Senator Purl, the report of the Committee on Rules relative to the adoption of the House and Senate rules and the joint rules of the two Houses was ordered printed in the Journal and set as special order immediately following the morning call day after tomorrow (Thursday) morning. (See Appendix of today's Journal.)

Motion to Amend Senate Rule No. 80.

Senator Hornsby moved to substitute the minority for the majority report on the proposed amendment to Senate Rule No. 80.

Adjournment.

On motion of Senator Rawlings, the Senate, at 4:56 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX

Petitions and Memorials.

United States Tariff Commission
Washington

Jan. 20, 1933.

Mr. Bob Barker, Secretary of the Senate, Austin, Texas.

Dear Sir: The Tariff Commission is in receipt of a copy of resolution number six, adopted by the Senate of Texas, requesting that the Commission withhold any action in the pending investigation with respect to cotton ties, and that the duty on these items be not increased.

This resolution will be placed with detailed information now being assembled in connection with this investigation, which is being conducted under the provisions of Sec-

tion 336 of the Tariff Act of 1930. This section provides that after an investigation by the Tariff Commission of the differences in costs of a domestic article and of a like or similar foreign article and report to the President, the President may, with certain limitations issue a proclamation changing the existing rate of duty.

There is inclosed herewith a copy of the Rules of Practice and Procedure of the Tariff Commission. Beginning on page 22 will be found a reprint of Section 336.

We shall take pleasure in sending to you a copy of the report of the Tariff Commission in this investigation, when it is available for distribution.

Very truly yours,
SIDNEY MORGAN,
Secretary.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Jan. 23, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 1 carefully examined and compared and find the same correctly enrolled.
GREER, Chairman.

Committee Reports.

(Majority Report.)

Committee Room,
Austin, Texas, Jan. 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred an amendment to Senate Rule No. 80, reading as follows:

"Nominations shall be considered in executive session only, but the vote on the individual or individuals as the case may be, shall be in open Senate and the yeas and nays on confirmations shall be recorded in the Senate Journal as a part of the day's proceedings."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HORNSBY, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Jan. 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your

Committee on Rules, to whom was referred and amendment to Senate Rule No. 80, reading as follows:

"Nominations shall be considered in executive session only, but the vote on the individual or individuals as the case may be, shall be in open Senate and the yeas and nays on confirmation shall be recorded in the Senate Journal as a part of the day's proceedings."

Have had the same under consideration, and beg leave to differ with the majority of the Committee and report it back to the Senate with the recommendation that it do pass.

POAGE,
HORNSBY.

Committee Room,
Austin, Texas, Jan. 23, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Rules, have had under consideration the matter of the adoption of rules governing the Forty-third Legislature, and beg leave to report the following:

1. We recommend that the Joint Rules Nos. 1-23 inclusive, of the Forty-second Legislature, appearing on pages 491-497 inclusive, of the Manual of the Forty-second Legislature be adopted as the Joint Rules of the two Houses, except where they may conflict with or be amended by the Rules set forth in paragraph 2 of this report.

2. We recommend that the procedure in each House under and as governed by Section 5 of Article 3 of the Constitution as amended, be in accordance with the rules set out in the resolution attached to this report, which resolution we recommend be adopted as a joint resolution of the two Houses, the House concurring therein.

3. We recommend that the Rules of the Senate of the Forty-second Legislature, with the exception of the Special Rules appearing on pages 487-490 inclusive, of the Manual of the Forty-second Legislature, which last mentioned Special Rules are amended and changed by the resolution mentioned in the foregoing paragraph of this report, be adopted as the Rules of the Senate of the Forty-third Legislature.

HORNSBY, Chairman.

S. C. R. No. By Hornsby.

Senate concurrent resolution relative to order of procedure.

Whereas, At the general election on November 4, 1930, Section 5, of Article III, of the Constitution of Texas, was amended so as to hereafter read as follows, to-wit:

"The Legislature shall meet every two years at such time as may be provided by law and at other times when convened by the Governor. When convened in regular session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, that during the succeeding thirty days of the Regular Session of the Legislature the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor; provided further, that during the following sixty days the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, however either House may otherwise determine its order of business by an affirmative vote of four-fifths of its membership."

Whereas, Under said amendment it is specifically provided that either House may determine its order of business by an affirmative vote of four-fifths of its membership; therefore, be it

Resolved, By the Senate by an affirmative vote of four-fifths of its membership, the House of Representatives concurring by an affirmative vote of four-fifths of its membership, That the order of business is hereby determined to be governed by the general rules of the respective Houses, except in so far as they do not conflict with the following special rules, which are hereby adopted.

Rule I.

It shall be in order to introduce bills or resolutions during the first sixty days of the session and have the same referred to a proper committee.

Rule II.

After the first sixty days of the Regular Session no bills shall be introduced except local bills as herein-after defined, emergency appropriations, acting upon appointees of the Governor (whether recess appointments or otherwise) and all emergency matters submitted by the Governor in special message to the Legislature, unless otherwise directed by an affirmative vote of four-fifths of the membership of the House in which the bill is first introduced.

Rule III.

Local bills may be introduced at any time and considered at any time by the committee to which they have been referred and reported by said committee and considered and disposed of by the House in which said bill is pending in the due order of business as determined by the general rules of the House in which the bill is pending. A local bill is defined for the purpose of this rule as an act the provisions of which relate to or affect directly a defined locality, district or section of the State but which does not affect directly the State at large, and the operation of which is confined to a particular locality, district or section of the State.

Rule IV.

Local bills, emergency appropriations, acting upon the appointees of the Governor (whether recess appointments or otherwise) and all emergency matters submitted by the Governor in special messages to the Legislature may be considered and disposed of at any time by either House under the general rules and order of business.

Rule V.

During the first sixty days of the Regular Session, under the general rules of either House and in the due order of business, either House may take up, consider and dispose of any bill not of the nature named in the foregoing Rule IV by an affirmative vote of four-fifths of the membership, or in accordance with the rules of the House in which said bill is pending.

Rule VI.

It shall be in order for committees to consider bills at any time during the session, their reports and the consideration by either House in accordance with the rules of the house in which said bill is pending.

Joint Rule 24 of the Joint Rules of the Forty-second Legislature of the two houses is hereby annulled and cancelled and in all things made void.

When any bill shall have been finally acted upon by either branch of the Legislature, and shall have been transmitted to the other, said bill shall be by the presiding officer thereof referred to an appropriate committee, and it shall not be necessary to be voted upon as a prerequisite to its consideration by the receiving branch.

Rule VII.

In reckoning the time within which a bill has been introduced, the date of its first introduction in either House shall govern.

Rule VIII.

For and during the term of the Forty-third Legislature only, it shall be mandatory upon the Finance Committee of the Senate and the Appropriations Committee of the House and the presiding officer of each of said respective bodies to report out to each of said two Houses all general appropriation bills for the biennium ending August 31, 1935, on or before March 25, 1933; and the consideration of such bills shall be the first order of business in each House until finally acted upon.

NINTH DAY.

Senate Chamber,
Austin, Texas,
January 25, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Duggan.
Blackert.	Fellbaum.
Collie.	Greer.
Cousins.	Holbrook.
DeBerry.	Hopkins.

Hornsby.
Martin.
Moore.
Murphy.
Neal.
Oneal.
Pace.
Parr.
Patton.
Poage.

Purl.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.

Absent—Excused.

Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodruff.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Cousins:

S. B. No. 109, A bill to be entitled "An Act defining pasture rights and regulating the use of pasturage and the number of cattle per acre in the County of Jefferson, in cases where different owners of land in the same enclosure pasture cattle thereon."

Read and referred to Committee on Stock and Stock Raising.

By Senator Duggan:

S. B. No. 110, A bill to be entitled "An Act to amend Section 4 of Chapter 22 of the General Laws of the Thirty-ninth Legislature, Regular Session, 1925, and declaring an emergency."

Read and referred to Committee on Towns and City Corporations.

By Senator Duggan:

S. B. No. 111, A bill to be entitled "An Act amending Article 2270, Chapter 12 of Title 42 of the 1925 Revised Civil Statutes of Texas, relating to the giving of supersedeas bonds, and providing that in lieu thereof the court may permit deposits of money from time to time with the registry of the court sufficient to discharge such judgment, interest and costs; repealing all laws in conflict therewith and declaring an emergency."

Read and referred to Committee on Towns and City Corporations.